

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

Alonzo Austin,

Plaintiff,

v.

Sam Abdallah, Rachelle Copeland,
Global Connection Inc. of America
and Global Connection Inc. of
Alabama,

Defendants.

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) CASE NO. 3:07-CV-042
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MOTION TO COMPEL RESPONSES TO DISCOVERY

COME NOW the Defendants in this action and file this their Motion to Compel Responses to Discovery and show as follows:

1.

The Court promulgated a Scheduling Order in this cause on May 24, 2007.

2.

Upon Motion of the Plaintiff, the Scheduling Order was amended by the Court on June 12, 2007.

3.

Since that time, both parties made discovery requests and the Defendants requested that the Plaintiff make himself available for deposition.

4.

Defendants have responded to Plaintiff's discovery requests, lodging objections to some of the requests made by Plaintiff which, in the view of Defendants, are not relevant to this cause.

5.

Plaintiff claims that he did not receive the discovery responses from Defendants until December 14, 2007 and claims further he has not had an opportunity to fully review them.

6.

The Defendants served discovery requests on the Plaintiff on or about September 17, 2007.

7.

The Defendants also requested by letter on or about September 17, 2007 and again on or about October 17, 2007 that the Plaintiff make himself available for deposition.

8.

To date the Plaintiff has neither responded to Defendants' discovery nor made himself available for deposition.

9.

The Plaintiff claims that he did not receive any of the Defendants' discovery requests or request to take his deposition until December 14, 2007.

10.

Defendants have not been able to prepare any dispositive motions due to the Plaintiff's failure to timely comply with Defendants' discovery requests.

11.

It has become evident today with Plaintiff's unreasonable demand seeking 375 times his actual damages that this case cannot be resolved through negotiations between the parties. See Letter from Plaintiff dated December 16, 2007 and Counsel for Defendants Response dated December 17, 2007 attached as Exhibit "A".

12.

It is in the interest of judicial economy to complete discovery as soon as possible so dispositive motions may be filed and the Court may either dispose of this case or schedule it for trial.

13.

Therefore, the Defendants respectfully request that the Court Order the Plaintiff to respond to Defendants' discovery requests no later than January 14, 2007 and that he make himself available for deposition no later than January 28, 2007. Counsel for the Defendants will make arrangements for a location and court reporter for the Plaintiff's deposition.

This 17th day of December, 2007.

MCKOON & ASSOCIATES

/s/ Joshua Robert McKoon

By: _____

Joshua Robert McKoon

Counsel for Defendants
925 Broad St
Phenix City, AL 36867
334.297.2300
Facsimile 334.297.2777

CERTIFICATE OF SERVICE

Counsel for the Defendant has this day served the foregoing on the Plaintiff via facsimile at 334.727.2159 and First Class Mail at the following address:

Alonzo Austin

1321 Oliver Carus Road

Tuskegee, Alabama 36083

This 17th day of December, 2007.

/s/Joshua R. McKoon

Counsel for Defendant

December 16, 2007

ALONZO AUSTIN

1321 Oliver-Carlis Rd.

Tuskegee, AL. 36083

Fax# (334) 727-2159 (ATTN: YVONNE AUSTIN) wife

GLOBAL CONNECTION OF AMERICA INC. ET AL.

F/O MCKOON, THOMAS MCKOON

ATTORNEY AT LAW

P.O. Box 3220

Phoenix City, AL. 36868-3220

Fax # (334) 297-2777

Re: ALONZO AUSTIN, plaintiff V. GLOBAL CONNECTION OF AMERICA INC. ET AL., Defendants, Case # 3:07-CV-0042 MEF.

Pursuant to our face to face Settlement Conference on December 14, 2007 at 1 PM in the Opelika City Library, Plaintiff did agree to accept the Defendant's offer of Settlement regarding Payment of Actual Damages and Court Cost with incidental on Conseq Untial Damages.

How ever, Punitive Damage would be proposed For Settlement ~~after~~ Plaintiff Considers Rule 33 And 34 Interrogatives and Production of Document Tendered to Plaintiff by Defendants, After considering Same Plaintiff, Proposed between 75% and 100% of Punitive Damages Demanded. Sincerely, Alonzo Austin, Plaintiff, Pro Se.

McKoon & Associates

ATTORNEYS AT LAW

POST OFFICE BOX 3220

PHENIX CITY, ALABAMA 36868-3220

(334) 297-2300

JAMES R. McKOON, JR. *

E-Mail - JRMcKoon@aol.com

STREET ADDRESS:

925 BROAD STREET

PHENIX CITY, ALABAMA 36867

FAX NUMBER:

(334) 297-2777

JOSHUA R. McKOON **

E-Mail - jrm2016@yahoo.com

* LICENSED IN ALABAMA ONLY

** LICENSED IN ALABAMA AND GEORGIA

December 17, 2007

Joshua R. McKoon

(334) 297-2300

facsimile (334) 297-2777

e-mail JRM2016@yahoo.com

VIA FACSIMILE 334.727.2159

Alonzo Austin

1321 Oliver Carus Road

Tuskegee, Alabama 36083

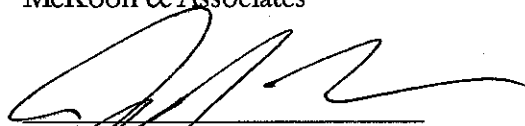
Re: Alonzo Austin v. Global Connection
Civil Action No.: 3:07-CV-042
Our Client: Global Connection

Dear Sir:

I have received your letter dated December 16, 2007 regarding the settlement of the above-captioned matter. To clarify I did not make an offer on behalf of the Defendants in this action on Friday. I asked you to make a demand so that I could evaluate it, speak to my client about it and get back to you before our scheduled Status Conference on Tuesday, December 18, 2007 at 9:00 A.M. CST. As I read your letter, it appears you are demanding all of the actual damages claimed in your Complaint, all costs of the litigation and "between 75% and 100% of punitive damages demanded". As you have demanded \$100,000 in punitive damages I take your letter to mean you would settle this matter for no less than \$75,000 plus your actual damages, which appear to be less than \$200.00. As you might expect, my client cannot accept that offer, which would require payment of 375 times your actual damages. I am going to be filing this letter, the facsimile receipt thereof and the documents I hand delivered to you with the Court today. I also expect to file a Motion asking the Court to vacate the scheduling order currently in place in this matter and to Compel your response to Defendants' discovery requests including setting a time and place for your deposition. I will deliver those documents by facsimile since there is no other practicable way to deliver them to you by tomorrow at 9 AM. Thank you for your time and attention to these matters.

Sincerely,

McKoon & Associates

A handwritten signature in black ink, appearing to read 'JRM', is written over a horizontal line.

By: Joshua R. McKoon

JRM

 *** FAX TX REPORT ***

TRANSMISSION OK

JOB NO. 1230
 DESTINATION ADDRESS 13347272159
 PSWD/SUBADDRESS
 DESTINATION ID
 ST. TIME 12/17 10:19
 USAGE T 00' 48
 PGS. 2
 RESULT OK

McKoon & Associates

ATTORNEYS AT LAW

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December 17, 2007

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Alonzo Austin

1321 Oliver Carus Road

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